

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 KERRI SHAPIRO, an individual, on  
5 behalf of herself and all others similarly  
6 situated,

7 Plaintiff,

8 v.

9 TREASURE ISLAND, LLC, a Nevada  
10 limited liability company d/b/a Treasure  
11 Island Hotel & Casino; and RUFFIN  
12 ACQUISITION, LLC, a Nevada limited  
13 liability company,

14 Defendants.

Case No. 2:17-cv-02930-APG-CWH

**ORDER**

(ECF. Nos. 21, 22)

15 This case alleges that the defendants charged their guests resort fees that included internet  
16 access in a manner that violates the Internet Tax Freedom Act. Several such cases have been  
17 filed in this District; some are pending before me, and some have been assigned to other judges in  
18 the District.

19 The parties to many of these cases, including this one, have reached an agreement to stay  
20 all deadlines and to consolidate the cases already assigned to me solely for the purpose of ruling  
21 on an anticipated motion to dismiss for lack of subject matter jurisdiction, to be filed in the  
22 *Cabral* case (2:17-cv-2841). The parties have agreed to take certain actions in the cases not  
23 pending before me based on my ruling on the subject matter jurisdiction issue.

24 I previously granted the stipulations in the cases before me, and I will do so in this case.  
25 However, I again caution the parties that their agreement may not achieve the results they  
26 anticipate. I am not the assigned judge in the other cases, so my ruling granting these stipulations  
27 has no impact on the deadlines in any cases not assigned to me.

28 Additionally, I cannot bind other district judges and the parties cannot agree to confer  
subject matter jurisdiction on a federal court. *See Hill v. Blind Indus. & Servs. of Maryland*, 179

1 F.3d 754, 757 (9th Cir.), *opinion amended on denial of reh'g*, 201 F.3d 1186 (9th Cir. 1999)  
2 (stating “the parties cannot, by their consent, confer jurisdiction upon a federal court in excess of  
3 that provided by Article III of the United States Constitution”). Thus, if I ultimately conclude  
4 there is jurisdiction in my cases, that does not necessarily mean the other judges will agree. Each  
5 judge has an independent obligation to ensure subject matter jurisdiction exists in the cases  
6 pending before that judge. *See Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (stating federal  
7 courts “have an independent obligation to determine whether subject-matter jurisdiction exists,  
8 even in the absence of a challenge from any party”).

9 IT IS THEREFORE ORDERED that the parties’ stipulations (ECF Nos. 21, 22) are  
10 **GRANTED.**

11 DATED THIS 12th day of March, 2018.

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14 ANDREW P. GORDON  
15 UNITED STATES DISTRICT JUDGE  
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